

AMENDED IN ASSEMBLY APRIL 6, 2010
AMENDED IN ASSEMBLY MARCH 17, 2010
CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1721

Introduced by Assembly Member Swanson

February 2, 2010

An act to add Section 12978.1 to the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 1721, as amended, Swanson. Pesticides: school zones.

Existing law generally regulates the application of pesticides. Existing law provides that violation of these provisions is a crime.

This bill would provide, subject to exceptions, that ~~restricted-use pesticides~~ *restricted materials* shall not be applied *by specified methods* for purposes of ~~production commercial~~ agriculture, *as defined*, or a state *agricultural* pest eradication or control program within $\frac{1}{2}$ mile of a school safety zone, as defined, and that other pesticides shall not be applied *by specified methods* for purposes of ~~production commercial~~ agriculture or a state *agricultural* pest eradication or control program within $\frac{1}{4}$ mile of a school safety zone, as defined.

By enacting provisions the violation of which is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12978.1 is added to the Food and
2 Agricultural Code, to read:
3 12978.1. (a) This section shall be known, and may be cited,
4 as the Healthy and Safe School Zones Act.
5 ~~(b) Restricted-use pesticides shall not be applied for purposes~~
6 ~~of production agriculture or a state~~
7 *(b) Restricted materials shall not be applied by the methods*
8 *specified in subdivision (g) for purposes of commercial agriculture*
9 *or a state agricultural pest eradication or control program within*
10 *one-half mile of a school safety zone, as defined in subdivision*
11 *(e).*
12 ~~(e) For all other pesticides not included in subdivision (b), those~~
13 ~~(e) No pesticide shall be applied for purposes of production~~
14 *(c) Pesticides not included in subdivision (b) shall not be applied*
15 *by the methods specified in subdivision (g) for purposes of*
16 *commercial agriculture or a state agricultural pest eradication or*
17 *control program within one-quarter mile of a school safety zone,*
18 *as defined in subdivision (e).*
19 (d) This section does not apply to approved organic pesticides,
20 *as defined in Section 46015*, excluding elemental or lime sulfur,
21 used for ~~production~~ *commercial agriculture*.
22 (e) For purposes of this section, “school safety zone” means a
23 ~~school site~~ *schoolsite, as defined in Section 17609 of the Education*
24 *Code.*
25 (f) For purposes of this section, “commercial agriculture”
26 *means any person engaged in raising crops, nursery stock, or*
27 *animals, or producing animal products, for commerce.*
28 (g) For purposes of this section, *prohibited methods of*
29 *application are aerial application, application by powered*
30 *equipment, chemigation, fumigation, or other methods of*
31 *application likely to cause off-site movement of pesticides.*
32 SEC. 2. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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8 **CORRECTIONS:**

9 **Text—Page 2.**

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